

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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WILLIAM EDWARDS,

Plaintiff,

v.

No. 04-CV-493  
(FJS/DRH)

DONALD SELSKY; ROY A. GIRDICH,  
Superintendent; A. BOUCHEY, Corrections  
Officer; STEVEN BULLIS, Commissioner  
Hearing Officer; and MR. B. POUPORE,  
Corrections Officer,

Defendants.

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APPEARANCES:

OF COUNSEL:

WILLIAM EDWARDS  
Plaintiff Pro Se  
10-10 Hazen Street  
East Elmhurst, New York 11370

HON. ANDREW M. CUOMO  
Attorney General  
for the State of New York  
The Capitol  
Albany, New York 12224-0341

DEAN J. HIGGINS, ESQ.  
Asst. Attorney General

**FREDERICK J. SCULLIN, JR., S.J.**

**DECISION AND ORDER**

Presently before the Court is Magistrate Judge David R. Homer's Report-Recommendation filed on December 26, 2007 in which he recommends the defendants' motion to dismiss be granted and that this action be dismissed in its entirety as to all claims and all defendants. Magistrate Judge Homer's Report-Recommendation was mailed to plaintiff's last known address, but

was returned to the Clerk's office marked: "return to sender" "unable to forward." Rule 41.2(b) of the Local Rules of Practice for the Northern District of New York states that failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of any pending action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, the Court here by

**ORDERS**, that the Report-Recommendation of Magistrate Judge David R. Homer filed December 26, 2007 is **ACCEPTED** in its entirety, for the reasons stated therein, and the Court further

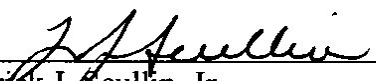
**ORDERS**, that this action is **DISMISSED** pursuant to 41(b) of the Federal Rules of Civil Procedure, based upon plaintiff's failure to prosecute and Local Rule 10.1(b) based upon plaintiff's failure to notify the Court of a change of address, and the Court further

**ORDERS**, that defendants' motion to dismiss is **GRANTED** and that this action is **DISMISSED** in its entirety as to all claims and all defendants, and the Court further

**ORDERS**, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

**IT IS SO ORDERED.**

DATED: January 22, 2008  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge

